



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application)

SOPKO et al.)

Application Number: 09/935,843)

Filed: August 24, 2001)

For: METHOD AND SYSTEM FOR PROVIDING
MAINTENANCE SERVICE FOR LONG-TERM
CAPITAL EQUIPMENT OR FIXTURES BY
PROVIDING A WARRANTY)

Attorney Docket No. TREML0001
Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231)

Art Unit 3629

Special Program
Examiner
Fisher, Michael J

DECLARATION OF (INVENTOR)
UNDER 37 C.F.R. §1.132

Sir:

I, Victor Sopko, am the inventor of the invention claimed in the above identified application, and hereby declare as follows:

I received my BS Degree in Chemistry at Case Western Reserve University on May 23, 1974. I currently work for Weatherproofing Technologies, Inc. I have invented the Method and System for Providing Maintenance Service for Long-term Capital Equipment or Fixtures by Providing a Warranty.

I have reviewed and carefully considered the Examiner's rejections, and it is my opinion that the invention was novel as the filing date of the application August 24, 2001. Generally, a private/commercial build-owner may purchase a service/maintenance program for as long a time period as the industry offers, which was typically limited by industry standards to five years. However, U.S. public financing laws limited the purchase of service agreements by a public agency to one-year increments. The invention is a vehicle for providing maintenance service beyond one-year increments to the public sector.

This invention is unique in its approach as a business process. Typically, asset owners make capital expenditures and then receive a warranty. They may also additionally purchase service agreements but typically have to arrange for the regular service as part of their contract. This process involves multiple steps that, when assembled, offers the asset owner unprecedented long-term performance with little or no required interaction on his part. The risk of guaranteed performance is transferred to the service provider. As such, the service provider becomes fully

responsible for the cost and performance of maintenance, which was unheard of prior to the filing date of the invention.

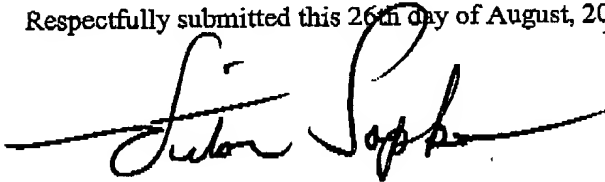
This program is not limited to new purchases. It can be used for existing assets, regardless of the original asset provider.

It involves the evaluation of the asset and bringing it up to mutually acceptable, industry recognized, minimum performance levels. All information obtained during the assessment and upgrade is recorded and tracked in a specially developed computer program. This program is then used to track the ongoing maintenance/service visits that are automatically dispatched without request from the asset owner at prearranged intervals appropriate to the asset and the owner's needs. The asset owner receives regular updates on the current asset condition and the maintenance work carried out as recorded in the computer program. Should the asset fail to perform as guaranteed, the owner contacts the service provider by a toll-free number and workers are dispatched to restore the asset to a condition of proper performance at no additional cost. This unique combination of analysis, upgrade, record keeping, ongoing automatic service and guaranteed asset performance provides a unique, valuable service to the asset owner which was not available in the prior art.

Due to the above-mentioned unique features, the services offered according to invention was available since 2001, and has been very successful in the market place. The sales by Tremco Incorporated (Weatherproofing Technologies, Inc is a service division of Tremco Incorporated) included 6 agreements for 2002, 153 agreements for 2003, and 155 agreements for 2004.

I, Victor Sopko, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned application and any patent to issue thereon.

Respectfully submitted this 26th day of August, 2005.

A handwritten signature in black ink, appearing to read "Victor Sopko", with a long horizontal line extending to the left.